

USSN: 09/838,884

Attorney Docket No.: 117-P-1345USII

**Remarks**

Claim 33 has been amended as suggested by the Examiner and as shown above. Following entry of this amendment, claims 1-41 will be pending, with claims 1-27 having been withdrawn from consideration.

**Rejection of Claims 33-35 under 35 U.S.C. §112**

Claims 33-35 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite on grounds that:

*"Independent claim 33 states that a strip agent is applied to "a dried waterborne radiation cured overcoat". It is unclear how the overcoat is both "dried" and "waterborne". (see the Office Action at page 2, numbered paragraph 2).*

and on grounds that:

*"Applicants traverse the rejection of claims 33-35 under 35 U.S.C. 112, second paragraph, and submit that the overcoat is recited in claim 33 as a "dried waterborne" overcoat because it is dried and was waterborne. However, the phrase "dried waterborne" does not recite that the overcoat "was waterborne" and instead implies that it is waterborne. The examiner suggests amending the language to recite what the Applicants intend, i.e., that the overcoat was waterborne. Hence, the above rejection is maintained." (see the Office Action at page 4, numbered paragraph 5).*

Reconsideration is requested. The above amendment to claim 33 should make this rejection moot, and thus applicants request that the rejection be withdrawn.

**Rejection of Claims 28-32 and 36-38 under 35 U.S.C. §102(b)**

Claims 28-32 and 36-38 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,494,707 (Wang et al.), on grounds that:

*"Wang et al. disclose a resilient floor covering comprising of a resilient support surface and a resilient wear surface adhered to said support surface and comprising an underlying wear layer based coat and an overlying wear layer top coat adhered to said wear layer base coat (Column 3, lines 61-68). The wear layer top coat is a hard*

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*thermoset UV curable blend of acrylates (Column 4, lines 7-10). The wear layer base coat has a thickness of 0.7 to 3.0 mils and the wear layer top coat has a thickness of 0.1 to 0.5 mils (Column 8, lines 35-45). Conventional substrate layer comprises materials typical of substrate layers found in the flooring art and include vinyl compositions (Column 9, lines 59-66). A preferred method is directed to providing a resilient floor covering comprising the steps of:*

*“(a) providing a resilient support surface;*

*“(b) applying to the top of and adhering to said resilient support surface, a wear surface, said wear surface being applied by applying a wear layer base coat comprising a flexible, thermoset, polymeric composition having a flexibility,*

*“(b2) partially curing said wear layer base coat;*

*“(b3) applying to the top of said wear layer base coat, a wear layer top coat comprising a hard, thermoset, UV-curable blend of acrylic or acrylate monomers, and*

*“(b4) completely curing said wear layer base coat and said wear layer topcoat.*

*“All limitations of claims 28-32 and 36-38 are disclosed in the above reference.” (see the Office Action at pages 3-4, numbered paragraph 3).*

Reconsideration is requested. Wang et al. is similar to the previously-cited Bolgiano et al. reference in that it involves a factory-applied finish (see e.g., Examples 2 through 4) for no-wax flooring (see e.g., col. 4, lines 16-20). Wang et al.'s resilient wear surface includes a wear layer base coat and wear layer top coat. Wang et al. do not say that the wear layer base coat is “strippable” and do not say that the wear layer base coat or wear layer top coat are a “renewable finish” as recited in rejected claims 28-32 and 36-38. Wang et al. say that the wear layer base coat and wear layer top coat preferably are cross-linked sufficiently to be insoluble in certain named solvents (see e.g., col. 8, lines 62-65). Coatings like Wang et al.'s resilient wear surface normally are permanent coatings, and are not designed to be stripped or renewed.

Although Wang et al. say their wear layer base coat may be “water based” or “solvent based” (see e.g., col. 8, lines 66-67), Wang et al. make no such statement concerning their

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wear layer top coats which appear to be 100% solids UV curable materials (see e.g., col. 9, lines 14-38, Example 5 at col. 16, lines 42-49 and Example 6 at col. 16, lines 64-67). Wang et al. do not show or suggest applying a "waterborne overcoat" as recited in rejected claims 28-32 and 36-38. Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 28-32 and 36-38 as being anticipated by Wang et al.

**Rejection of Claims 33-35 and 39-41 under 35 U.S.C. §102(b)**

Claims 33-35 and 39-41 were rejected under 35 U.S.C. §102(b) as being anticipated by Published PCT Application No. WO 98/11168 (Hamrock et al.), on grounds that:

*"Hamrock et al. disclose a floor finishing system comprising a radiation curable composition and a primer composition wherein the primer composition is coatable over a substrate and the radiation curable composition is coatable thereon (Page 6, lines 25-30). The cured, coatable composition is readily strippable from the substrate when the latex primer is present (Page 7, lines 1-3). All limitations of claims 33-35 are disclosed in the above reference."* (see the Office Action at page 4, numbered paragraph 4).

Reconsideration is requested. Rejected claims 33-35 and 39-41 recite a step of "applying a strip agent to a radiation cured overcoat which was waterborne". No such step is shown in Hamrock et al. Hamrock et al.'s radiation cured coatable composition (viz., Hamrock et al.'s overcoat) is applied as a 100% solids formulation. It is not waterborne. Hamrock et al. say that commercially available aqueous emulsion based floor finishes "have been less than completely satisfactory for several reasons" including their "relatively low solids content" and the need to dry each successive application of the finish composition "before additional coatings are applied and/or before pedestrian traffic is allowed across the treated floor" (see page 1, lines 19-27). A person having ordinary skill in the art who reviewed Hamrock et al. would conclude from these statements that Hamrock et al. do not use and would not use a waterborne overcoat. Applicants accordingly request withdrawal of the 35 U.S.C. §102(b) rejection of claims 33-35 and 39-41 as being anticipated by Hamrock et al.

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**Conclusion**

Applicants have made an earnest effort to place the application in condition for allowance. Passage of the application to the issue branch is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney if there any questions regarding this Amendment.

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